

## **CEQA PROCEDURES FOR TIMBERLAND CONVERSION**

**5475**

(No. 3 June 1991)

Provisions of CEQA and related code sections and regulations commencing with PRC § 21000, GC § 65920, and 14 CCR § 15000, adopted by the Secretary for Resources and known as the state CEQA guidelines, apply to timberland conversions. Environmental documents such as EIRs or Negative Declarations are required.

The CEQA and related regulations require local agencies to submit an EIR or Negative Declaration to the State Clearinghouse when the local agency is a lead agency and a state agency is a responsible agency [14 CCR § 15205(b)(2)].

Therefore, when a local agency is lead agency for projects requiring a conversion permit, CDF is a responsible agency, and the local agency must submit a draft EIR or Negative Declaration to the State Clearinghouse. The EIR or Negative Declaration must go through the prescribed review period (45 days for an EIR; 30 days for a Negative Declaration) at the State Clearinghouse. AT the end of the review period, the lead agency must adopt a final EIR or Negative Declaration and file a notice of determination with the secretary for resources before the Director can issue a TCP.

## **LEAD AGENCY, RESPONSIBLE AGENCY, AND TRUSTEE AGENCY**

**5475.1**

(No. 3 June 1991)

### **Lead Agency**

The lead agency is the public agency that has the principal responsibility for carrying out or approving a project (14 CCR § 15051). The lead agency will prepare the EIR or Negative Declaration, either directly or by contract. For TCPs, the county or city is the lead agency if it is responsible for zoning or for issuing a use permit for the new intended land use. In those cases when there is a broad permit or broad jurisdiction by a state agency over the intended use, a state agency could be the lead agency. Otherwise, in almost all cases involving wildland zoned as agriculture-forest or some similar zoning, the department is the lead agency through its responsibilities for the TCP issuance. Lead agencies will consult with other agencies (called "responsible agencies") having permit jurisdictions (14 CCR § 15381) and with agencies (called "trustee agencies") having other regulatory responsibilities and interests in both the project (14 CCR § 15386) and the preparation of environmental documents. In cases of uncertainty or dispute about which one of two or more agencies is the lead agency affecting the issuance, contact the Director's office.

### **Responsible Agency**

A responsible agency is a public agency that proposes to carry out or approve a project for which a lead agency has prepared the environmental documents (see 14 CCR § 15381).

For purposes of CEQA, this term includes all public agencies, other than the lead agency, having discretionary approval power over the project. In the case of TCPs, CDF is a responsible agency, and the county is a lead agency for immediate rezoning for TPZs. When CDF is a lead agency for a TCP, an example of responsible agencies would be the Department of Water Resources and the State Water Resources Control Board in the case wherein the TCP is for a reservoir. These agencies have permit jurisdiction over dam construction and water use. They consequently, would be responsible agencies. When another agency, whether state or local, is a lead agency in a project involving timberland conversion, the CDF is a responsible agency (14 CCR § 15381).

### **Trustee Agency**

A trustee agency is a state agency having jurisdiction over natural resources affected by a project and held in trust for the people of California. Trustee agencies specified are the Department of Fish and Game, State Lands Commission, Department of Parks and Recreation, and University of California (14 CCR § 15386).

As a responsible agency, CDF must be sure that appropriate input, including that from concerned trustee agencies, for all of the environmental impacts has been sought and considered, that the required CEQA procedures have been followed, and that time constraints under the Secretary for Resources' CEQA guidelines commencing with 14 CCR § 15000 are met.

## **LEAD AGENCY--TPZs, OTHER ZONING, AND USE PERMITS 5475.2**

(No. 3 June 1991)

County, city, and other local government and regional agencies having zoning change or use permit issuance responsibilities in connection with a TCP are lead agencies for CEQA environmental documentation processes (EIR and Negative Declaration preparation, hearings, etc.). Examples of such cases are immediate rezoning requests in connection with conversions within TPZs, conversions where changes in zoning are required, conversions within coastal zones, and conversions where use permits are required for the proposed new use.

Local agencies may be lead agencies when they are project sponsors, such as for reservoir development, timber operations, or conversion on local agency-owned lands. As lead agencies, local or regional agencies must consult with CDF. The department is obligated as a consultant to make appropriate forestry and forestland use input to the environmental documentation. This input includes forest fire prevention and protection input as well as FPA determinations. The department should make appropriate fire prevention and protection input for any structural protection that may be involved and for which the department may have responsibilities. Region chiefs should ensure that departmental personnel, as appropriate to the circumstances, are available or assigned to consult with other government agencies that are lead agencies for project formulation and environmental documentation.

## **ENVIRONMENTAL DOCUMENTATION STEPS AND TIME LIMITS**

**5475.3**

(No. 3 June 1991)

The steps and required time periods for CEQA processes of EIR and Negative Declaration preparation and review for TCP applications are shown separately for CDF as both lead and responsible agency in the following outline. See Section 5475.6 for time periods for checking, obtaining correction, and completing TCP applications at field, region office, and Director's office levels.

## **CDF AS LEAD AGENCY**

**5475.4**

(No. 3 June 1991)

When CDF is the lead agency for TCPs, the following procedure and considerations will apply (see Lead Agency and Responsible Agency-these are not available in e-format).

The state CEQA guidelines (14 CCR § 15000 et. seq.) will govern. The draft environmental document (EIR or Negative Declaration) will be prepared at the Sacramento headquarters (unless the applicant is asked to prepare an initial draft EIR).

The environmental documents normally will be submitted to the Director's office with the completed conversion forms as follows:

For a Negative Declaration:

- Completed cover sheet (prescribed form).
- Completed CDF environmental checklist form (14 CCR, Appendix I).
- Sheet attached to the checklist and referenced to items checked "yes" or "maybe" on the checklist, with a description of the mitigating measures for each of these items. The measures described must be adequate to reduce the impact to an insignificant environmental effect.

- Any appropriate supplemental environmental information.

For an EIR:

- Cover sheet (prescribed form).
- Environmental information covering the contents prescribed in the state CEQA guidelines (14 CCR § 15120 through 15132) as the basis for preparation of an EIR.

Negative declarations must be supported by preventive or mitigating practices adequate to prevent environmental damage where necessary. In such cases, the applicant will be informed that appropriate environmental measures must be incorporated in the conversion plan and in the THP where applicable, for the Negative Declaration to be acceptable. If there are significant impacts that cannot be mitigated so as to be insignificant, an EIR will be required.

If appropriate mitigating practices are not put into the conversion plan, the conversion permit may be denied until satisfactory measures are included.

#### **NOTICE OF PREPARATION OF A NEGATIVE DECLARATION 5475.4.1** (No. 3 June 1991)

Notice of preparation of a negative declaration will be provided to the public within a reasonable time before final adoption of the Negative Declaration by the department as lead agency.

Notice of completion of a draft EIR will be provided to the public at the same time as the department sends the notice of completion to the Resources Agency.

The notice to the public for both the Negative Declaration and EIR will be given by the department through one of the following procedures (14 CCR § 15072 and 15087):

- A. Publication in a newspaper of general circulation in the area affected by the project, in accordance with GC § 6061.
- B. Posting of the notice on- and off-site in the area where the project is located. "Off-site" means at some public place in the area affected by the project, such as shopping center, post office, courthouse, CDF office, etc.
- C. Direct mailing to owners of property contiguous to the project.

Notice by procedure "B," posting on-and off-site, should be the method normally used and should be done locally by CDF field foresters. The Director's office will furnish a sample format for the notice.

## **DECISION TO REQUIRE AN EIR**

**5475.4.2**

(No. 3 June 1991)

When a decision is made to require an EIR, a notice of preparation must be completed and sent to other responsible or concerned state agencies. If the EIR is complicated (involves consideration of a number of significant impacts, etc.), it may be desirable to have the applicant prepare the initial draft or arrange to have it prepared. If an EIR appears necessary, the region staff should consult as early as possible with the Sacramento resource management and environmental staffs about the notice of preparation, whether or not the applicant should do the initial draft EIR, and the details of procedures.

CDF foresters should consult and work closely with other concerned agencies and their respective CDF unit and region environmental coordinators on the CEQA phases of timberland conversion.

CEQA and state guidelines require that other state agencies with possible concerns or special expertise, such as the Department of Fish and Game, Regional Water Quality Control Boards, Coastal Zone Commissions, and the county planning agency will have opportunity for input or comment in connection with the EIR preparation. Therefore, the CDF forester who prepares the environmental information should contact the county planning agency to obtain their comments or input. Joint field inspections should be made with representatives of these other agencies, as appropriate or desirable. Such joint field examination with the local Department of Fish and Game representatives would be advantageous for almost every timberland conversion. If the transmittal letter or other documentation does not indicate comments have been solicited from local representatives of the other agencies, the conversion package will be returned for this part of the process, with resultant delay. If the agency has no comment, then a statement to that effect must be included.

## **CDF AS RESPONSIBLE AGENCY**

**5475.5**

(No. 3 June 1991)

When CDF is a responsible agency for TCPs, the Director's staff will coordinate consultation with the lead agency and review of the environmental documents (draft EIRs and Negative Declarations).

## **TIME LIMITS FOR TCP APPLICATIONS PROCESSING**

**5475.6**

(No. 3 June 1991)

Besides time limits in the CEQA regulations, GC §65943 sets tight time limits for agency review of applications for state permits. A state agency must determine in writing within 30 days whether a permit application is complete. The time limit is effective after the 30th day if other requirements of law are satisfied. Therefore, CDF must notify the applicant in writing within the 30-day period either that the application is complete or that specified additional information is needed. Once CDF determines the application is complete, the applicant cannot be asked for new information but may be asked to clarify, amend, or supplement information in the application.

To meet this time limit and the other time limits of CEQA, the following procedures will be used:

- The transmittal letter, the TCP application, and any subsequent correspondence about a given TCP will be date stamped with the date received and the receiving office at each CDF level beginning with the first CDF office that receives the TCP application.
- The TCP application filing date will be the date the application is received in the Resource Management Section (RMS) in Sacramento. All TCP applications will be stamped with the date when received in this section.
- If the application is found upon review in Sacramento to be incomplete or defective, the Sacramento office will inform the applicant and region office in writing of what is needed. This will be done within 30 days of receipt of the application in Sacramento. The determination that the application is incomplete may include failure to properly complete the CEQA processes, such as failure of the lead agency to adopt a final EIR or negative declaration through the State Clearinghouse review procedure.
- If all is determined to be in order, the Director will issue the conversion permit or notify the applicant of permit denial for cause:

Within 30 days of receipt of the application in Sacramento if the Director's office has previously received notice of lead agency's adoption of an EIR or Negative Declaration.

OR

Within 30 days of the Director's office reviewing notice of lead agency's adoption of a final EIR or Negative Declaration, if such notice was not previously received.

- Within 30 days of receiving a TCP application, the first CDF forester responsible for TCPs will ascertain its completion and either forward it to the region office if complete or notify the applicant by letter of the missing information or necessary corrections. The written notice is necessary to be sure of meeting the requirements of GC §65493.
- Within each 30-day period after receiving missing information or corrections for the application and related documents, the CDF forester responsible for TCPs in the local area will forward the TCP application and related documents to the region office or notify the applicant in writing of any further information or corrections necessary to have the application in proper order and complete.
- When another agency is lead agency and CDF is a responsible agency, the 30-day period also will apply to written requests for information needed from the lead agency if the lead agency has not yet approved the project. A copy of the written request to the lead agency will be sent to the applicant.
- Within 15 days of receiving the TCP application and related documents from a lower administrative level or the applicant, the region office will check the TCP application for accuracy and completeness, and if complete and correct, forward the TCP package to the Director's office or take necessary action to have the applicant notified in writing of what is needed to complete the application or correct any errors. Within 15 days of having the application completed or corrected, the region office will forward the TCP application and related documents to the Director's office.
- Each reviewing level will coordinate requests for additional information or corrections to minimize repeat contacts with the applicant so that he/she does not feel harassed by successive requests for more information from each higher level.

**FORMS AND/OR FORMS SAMPLES: RETURN TO ISSUANCE HOME PAGE FOR FORMS/FORMS SAMPLES SITE LINK.**

[\(See next section\)](#)

[\(See Table of Contents\)](#)